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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) A2000-708419	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>July 21, 2008</u></p> <p>Signature <u>Jessica Correia</u></p> <p>Typed or printed name <u>Jessica M. Correia</u></p>		Application Number <u>10/622,952</u>	Filed <u>July 18, 2003</u>
		First Named Inventor <u>David A. Colucci et al.</u>	
		Art Unit <u>2114</u>	Examiner <u>Joseph O. Schell</u>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. <u>58,943</u> Registration number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34</p> <p><u>Nicole A. Palmer</u> Signature <u>Nicole A. Palmer</u> Typed or printed name <u>617-395-7000</u> Telephone number <u>July 21, 2008</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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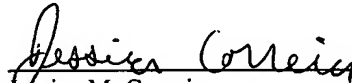
Attorney Docket No. A2000-708419

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David A. Colucci et al.
Serial No.: 10/622,952
Filing Date: July 18, 2003
For: SYSTEM AND METHOD FOR PERFORMING GUIDED
PROCEDURES
Examiner: Joseph O. Schell
Art Unit: 2114
Confirmation No.: 3995

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 21, 2008.



Jessica M. Correia

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Claims 17-21 are pending in this application, with claims 17 and 18 being independent claims. Each of claims 17-21 stands finally rejected, as discussed below. Applicants respectfully request withdrawal of the rejection of each of these claims because there are clear errors and legal deficiencies in the Examiner's rejections of independent claims 17 and 18, as well as the claims that depend therefrom.

No amendments pertaining to the above-identified claims have been filed subsequent to the mailing of the Advisory Action on June 4, 2008.

ARGUMENT

Claims 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Li et al. (U.S. Patent Application Publication No. 2004/0078708 A1) in view of a publication entitled “‘678’: The 666 of DSL Users” (hereinafter referred to as “the 678 reference”) and Hammond et al. (U.S. Patent Application Publication No. 2002/0138785 A1).

Claim 17 is directed to a system for guiding a user through performance of a procedure corresponding to an uninterruptible power supply associated with the system. Specifically, the system comprises:

- at least one programmed processor embedded within or connected to the uninterruptible power supply;
- at least one sensor embedded within or connected to the uninterruptible power supply providing information regarding the status of the uninterruptible power supply, the programmed processor and the sensor being operatively coupled such that the programmed processor receives at least a portion of status information from the sensor;
- the programmed processor being configured to retrieve at least one stored procedure corresponding to the uninterruptible power supply including a plurality of steps to be performed by a user; and
- a display operatively coupled to the uninterruptible power supply for displaying the plurality of steps in order;
- the programmed processor being further configured to determine whether a currently displayed step has been properly performed based upon at least one of: (i) the information received from the sensor and (ii) one or more inputs entered by a user into the programmed processor, to determine whether a recovery from an error caused by a step which is not properly performed is possible, and, if recovery is possible, to provide one or more ***correctional steps, at least one of which is different from the displayed step, to correct the error by displaying the correctional steps to the user on the display.***

As previously argued, Li et al. teach concepts associated with installing peripheral devices to a computer, such as a personal computer, and more particularly to informing the user of a discrete problem, i.e., an improper connection of a cable or the lack of a wireless connection. There is no teaching in Li et al. that the user is notified, after discovering an error, of “whether a ***recovery*** from [the] error caused by a step which is not properly performed is possible, and, ***if recovery is possible, to provide one or more correctional steps, at least one of which is different from the displayed step, to correct the error by displaying the additional steps to the user on the display.***” As stated above, Li et al. inform the user of a failed connection. There is no

teaching of providing one or more correctional steps to correct an error. The Examiner has acknowledged this point in the Office Actions.

Hammond et al. teach a UPS power supply critical monitoring system having a monitoring program that listens over a network for information transmitted from the UPS. For example, the information may indicate that the UPS is in a critical state, such as a low battery, an expired battery or a loss of UPS communication with the network. There is no suggestion in Hammond et al. to provide the user with an interactive recovery system for guiding the user through performance of a procedure. Hammond et al. are concerned about informing the user or the operator of a critical condition and recording the critical condition. *See* Hammond et al., paragraph no. [0012], for example. Hammond et al. do not teach recovery from the critical condition, much less Applicants' claimed programmed processor designed to enable the user or operator to recover from the critical condition by means of a guidance system as set forth in amended claim 17.

The Examiner relies on the 678 reference for teaching a method for resolving the error, and states that at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the connection guide system of Li et al. such that in the event of an unsuccessful link to an ISP, instead of displaying an error and redisplaying the same instructions as taught by Li, the system displays additional steps to resolve the error as taught by the 678 reference. Applicants respectfully disagree.

The 678 reference does not teach the provision of "one or more correctional steps, at least one of which is different from the displayed step, to correct the error by displaying the correctional steps to the user on the display" as set forth in claim 17. The Examiner relies on the following:

"Carrick said users should go to their Start Menu, select "Run," type "command" and click OK. In the new window, type "NETSH INTERFACE IP RESET LOG.TXT" and hit "Enter" (all commands should be typed without the quotes). Then restart the computer."

Applicants respectfully submit that the 678 reference does not cure the deficiencies of Li et al. and Hammond et al. Even if properly combined, which the Applicants do not concede, the combination of Li et al., the 678 reference and Hammond et al. do not disclose all of the elements of the Applicants' claim 17 since the 678 reference would not teach a person skilled in

the art to modify Li et al. to display the correctional steps to the user on the display. This feature is not taught by any of the references. Li et al. does not teach this claimed feature and the 678 reference is no different than an instruction manual provided for curing errors associated with any hardware device or related software. The Examiner is reminded that Li et al. only teach displaying an error message. A person skilled in the art, with the knowledge of Li et al. and the 678 reference would not make the leap of displaying correctional steps to cure the error. There is simply no teaching in the references.

Therefore, the Examiner's rejection of claim 17 contains a clear error because the Examiner misidentified an element in the citations relied upon. Furthermore, as set forth in MPEP § 2143, one of the criteria that must be met in order to establish a *prima facie* case of obviousness is that the reference(s) must teach or suggest all of the claimed features. Examiner has therefore, failed to make a *prima facie* rejection of claim 17 because the references cited do not disclose or suggest at least one limitation recited in Applicants' claim (namely, a step of displaying correctional steps to cure an error).

Because no proper *prima facie* case of obviousness has been established, Applicants respectfully requests reconsideration and withdrawal of the rejection.

Accordingly, claim 17 is submitted as being patentable over the references of record, including Li et al., the 678 reference and Hammond et al.

As discussed above with reference to claim 17, claim 18 is submitted as being patentable for the same reasons given for claim 17.


Claims 19-21, which depend from claim 18, are submitted as being patentable for the same reasons provided for claim 18.

CONCLUSION

In view of the foregoing remarks, this application should be in condition for allowance, and a notice to that effect is respectfully requested.

A petition and fee for a one month extension of time, and a notice of appeal is included herewith. If this pre-appeal brief request for review is not considered timely filed, and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this pre-appeal brief request for review, including an extension fee, which is not covered by an enclosed payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. A2000-708419.

Respectfully submitted,
David A. Colucci et al., Applicants

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